

February 8, 2024

***VIA ECF ***

Hon. Magistrate Leo I. Brisbois
United States District Court
515 West 1st Street Room 412
Duluth, MN 55802
Email: brisbois_chambers@mnd.uscourts.gov

Re: Manick vs. Research and Diagnostic Systems, Inc., Bio-Techne Corporation
Our File No. 00338
Court File No. 22-3140 (JWB/LIB)

Dear Magistrate Brisbois:

Please consider this letter as an update to Plaintiffs Motion to Compel Discovery hearing that was held on November 14, 2023.

On December 15, 2023, Plaintiff received a Privilege Log from Defendants, along with a set of documents labeled as Confidential and Bate stamped R&D 0272 – R&D 0359. Unfortunately, even though they were marked as “Confidential” the documents were heavily redacted.

As to the documents listed on Defendants’ Privilege Log, Plaintiff objects to these documents being withheld based on a claim of attorney-client privilege, because Defendants’ in-house attorney, Mr. Shane Bohnen, is a Vice President of Bio-Techne and is a major Stockholder in Bio-Techne, as evidenced by Bio-Techne’s own filings with the Securities and Exchange Commission. (See Ex. A, attached to the Declaration of Sarah R. Jewell).

Since Mr. Bohnen’s position as in-house counsel does not just involve providing legal advice, but also involves business decisions, Plaintiff requests that the court order Defendants, as part of Plaintiff’s motion to compel discovery, a full set of unredacted documents from the recent document production R&D0272-R&D 0359, as well as all of

the documents listed in Defendant's Privilege Log, to be sent to the court for an "in-camera" review. That way, the court can determine whether the documents listed by Defendants as "attorney-client privileged" truly meet the standard of obtaining legal advice, or whether they constitute routine business matters of a Vice President.

Since Plaintiff bears the burden of proof and because Rule 26 allows for liberal and broad discovery of matters that, may or may not be admissible at this stage of the case, Plaintiff respectfully requests that these matters be reviewed in connection with Plaintiff's motion to compel discovery.

If you have any questions, or if you wish to discuss the matter further, please let me know. Thank you for your consideration.

Respectfully submitted,

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DATE: February 8, 2024